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The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Severe human rights violation by conducting unlawful land acquisition and heavy militarization in the North and East of Sri Lanka

The heavy militarization in the North and East of the Island of Sri Lanka deem it impossible for the war-torn Tamil people to recover in any form. Heavy militarization is only possible due to other structural and legal defects. Namely the very problematic issue of unlawful land acquisition provides the environment and physical infrastructure for military presence.

Land acquisition

There is one main statute in Sri Lanka which governs the acquisitions of private land which is the Land Acquisition Act, No. 5 of 1950. This particular piece of legislation allows State Acquisition only for "public purpose". Case law defines "public purpose" as "public utility and benefit of the community as a whole". The court pointed out that the "community" which will benefit must naturally include the local community. Therefore it is not enough to create a few jobs and develop an infrastructure which benefits the country as a whole, but benefits must be directed to the local community. It is vital to illustrate the legal opinion of the Supreme Court which should be binding in order to comprehend the present critical situation in the North and East of Sri Lanka and in Sri Lanka as a whole regarding land grab and militarization and its implications for the people's right to own land and for other various violations and civil, political and human rights. Further below the effects of land acquisition which currently does not seem to serve any "public purpose" as demanded by the Court will be explained. It is, however, important here to refer to another critical issue in the present Sri Lanka in this context and to put this land acquisition issue into a larger political framework. "Public purpose" is interpreted narrowly. The local community is in the main focus and should be the main beneficiary of conducted land acquisition. Interestingly, the acquired land is mainly used for alleged military and security purposes. This leads to the assumption that the judiciary is increasingly getting dependent on the executive and thereby transforms into a more and more politicized institution. Furthermore currently the courts seem not to follow the above-mentioned established case law and thereby not upholding legal protection, equality and the protection of civil, political and human rights of the local community.

It is useful to briefly point out the various actors involved in the, overwhelmingly unlawful land acquisition. Firstly, the President himself is involved in land issues as he has relevant power over land. Additionally the president is the one who appoints the judges for all courts and as a result the outcome of cases concerning land issues can be channeled. Furthermore different ministries such as the Minister for Lands and Land Development, the Minister for Defence and Urban Development and the Minister for Finance have powers to deal with land issues. Adjacent to the Mahaweli Authority, which provides expansive powers to the Minister in charge, the Presidential Task Force (PTF) was created in 2009, which is mandated to "prepare the strategic plans, programs for resettlement of internally displaced persons, economic development and social infrastructure of the Northern Province". Approval from PTF is needed for all activities in the North. Thus it is unambiguously evident that the activities in the North are centralized which can and will affect collective as well as individual civil and political rights as the democratically elected representatives in the Northern Province Council will have less power to decide on the future of the local community which indeed is distinct from the majority community in Sri Lanka.

Another main actor involved in land issues and whose role will be examined in detail is the military. It is apparent that the purpose of the military being present in the North and East has not only to do with security reasons. Land which has been taken for purported "military purpose" is exposed to the control and access of military personnel. The devolution of power and the rule of law is flawing as the Secretary of Defence is the key decision-making body within the scope of military exertion of power. The heavy military involvement in land acquisition, administration and other areas further discriminates and subjugates the local community of Tamils and Muslims in the North and East of Sri Lanka.

Militarization

The number of security personnel in the North and East is overwhelming – the military-to-civilian ratio stands at 1:5. Eighteen divisions, out of the 20 divisions of the Sri Lankan military, are stationed in the Tamil homeland in the north

and east. The military is 99.9% Sinhalese, while the population in the area they occupy is predominantly Tamil. Temporary makeshifts have been transformed into permanent premises. Particularly, the size of the military personnel present in the Northern Province is worrying as it does not only have an impact on the civil and political rights of the Tamil people living there but also impedes the process of reconciliation and renders it impossible to establish lasting peace between the majority and minority communities. Already by end of the war military had over 200,000 personnel by expanding 9 to 20 divisions, 44 brigades to 71 and 149 to battalions to 284.

At least three to four army divisions and other units are attached to major headquarters in the North (Jaffna, Kilinochchi, Mullaithivu and Vavuniya) in order to realize some kind of "post-war military deployment".

It is, interestingly, very obvious that the military is involved in many issues in Sri Lanka after the war. Military personnel can be seen in landscaping and cleaning-up Colombo and other cities: selling vegetables and engaging in large-scale agriculture; running holiday resorts, restaurants, travel and cruise services; presiding over civilian government institutions and holding key postings in diplomatic missions including at ambassadorial levels; conducting leadership training in universities and building and maintaining cricket stadia. The Daily Mirror quoted the army chief as saying that plans are underway to start a new construction company under the auspices of the army.

Also in the Tamil regions, for instance in the Vanni the military personnel is busy with making roads, building schools and community centres, organising medical camps, community events and gatherings; liaising and overseeing the work of non-governmental organisations (NGOs), etc.

Moreover, the heavy involvement of the military in the daily life of people and the assumption of administrative functions and executive powers crucially shows the country's departure from democracy to a totalitarian state, which was also observed by the UN High Commissioner for Human Rights after her latest visit of Sri Lanka in August 2013, where she stated that Sri Lanka is heading "in authoritarian direction".

The heavy military presence is a sign of demonstrating siege and superiority towards the mainly Tamil population living in the North and East of the Island. The aspect that the Sri Lankan military is 99 % Singhalese also shows that diversity and pluralism is not supported in Sri Lanka. Furthermore it also lets to conclude that the heavy military presence in the, particularly, Northern Province tantamount to "occupation" as defined in the Hague Convention.

The main fear of this erroneous land acquisition is that the land is being used for other purposes than the law permits such as "Sinhalazation" by building new settlements in order to change the demographics of an certain area as in Weli Oya. Another third worry is that the Government is using land for commercial purposes instead of alleged development reasons and thereby not following the rules of the Land Acquisition Act. Such a process of land acquisition for commercial purposes can be observed in the case of Sampur. All the above-mentioned reasons for the acquisition of land, or rather land grabbing, only benefits the majority community and it can be easily argued that, for instance land settlement schemes and other programs will lead to a demographic change to the detriment of, particularly Tamils and Muslims.

Furthermore the Government of Sri Lanka did not respect the peace of the dead and their dignity as the Sri Lankan government has destroyed all war cemeteries for Tamil cadres. The State claims that it has done this to erase the memories of the ethnic war. Yet it is simultaneously engaged in actively promoting war tourism – reminding communities of the ethnic divide, projecting the Sinhalese as the victors and the Tamils as the vanquished. To Tamils, this tourist enterprise betrays the Sri Lankan State's true feelings about "reconciliation" on the island. Glorification of the war victory over the Tamil guerillas and the constant reminding of oppression and subjugation in various forms will ultimately lead to new insurgence in the coming years. Therefore it is of utmost importance that the unlawful acquisition of land is addressed domestically and internationally in order to find a durable solution to preserve peace and foster reconciliation.